

UNITED STATES BANKRUPTCY COURT

FOR THE

EASTERN DISTRICT OF VIRGINIA

Alexandria Division

In the Matter of:

CLARENCE PAUL COLE
AND
SANDRA ANNETTE COLE

Debtors

Chapter 13

Case No. 18-11211-BFK

MOTION TO DISMISS,
NOTICE OF MOTION TO DISMISS
AND
NOTICE OF SCHEDULED HEARING ON THIS MOTION

Thomas P. Gorman, Chapter 13 Trustee, has filed this motion to dismiss your Chapter 13 case. The cause for this motion is as follows:

Pursuant to 11 U.S.C. §1307(c)(6) – Second Material default by Debtors as is reflected in the attached Trustee’s Report of Receipts and Disbursements. Trustee previously filed a Motion to Dismiss for material default which he withdrew when Debtors became current. Debtors have since again become delinquent and have not made a Plan payment since December, 2019.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not wish the court to grant the relief sought in the motion, or if you want the court to consider your views on the motion, then on or before five business days prior to the hearing date, you or your attorney must:

File with the court a written response with supporting memorandum as required by Local Bankruptcy Rule 9013-1(H). Unless a written response and supporting memorandum are filed and served by the date specified, the Court may deem any opposition waived, treat the motion as conceded, and issue an order granting the requested relief without further notice or hearing. If you mail your response to the court for filing, you must mail it early enough so the court

Notice and Motion to Dismiss

Clarence Paul Cole and Sandra Annette Cole, Case #18-11211-BFK

will receive it on or before five business days prior to the scheduled hearing.
You must mail a copy to the persons listed below.

Attend the hearing to be held on April 9, 2020 at 1:30 p.m. in Courtroom #1 on the 2nd floor, United States Bankruptcy Court, 200 South Washington Street, Alexandria, VA 22314. If no timely response has been filed opposing the relief requested, the court may grant the relief without holding a hearing.

A copy of any written response must be mailed to the following persons:

Thomas P. Gorman
300 North Washington Street, Ste. 400
Alexandria, VA 22314

Clerk of the Court
United States Bankruptcy Court
200 South Washington Street
Alexandria, VA 22314

If you or your attorney do not take steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

Date: __March 6, 2020__

____/s/ Thomas P. Gorman_____
Thomas P. Gorman
Chapter 13 Trustee
300 N. Washington Street, #400
Alexandria, VA 22314
(703) 836-2226
VSB 26421

CERTIFICATE OF SERVICE

I hereby certify that I have this 6th day of March, 2020, served via ECF to authorized users or mailed a true copy of the foregoing Motion to Dismiss, Notice of Motion and Notice of Hearing to the following parties.

Clarence Paul Cole
Sandra Annette Cole
Chapter 13 Debtors
10045 Meetze Rd.
Midland, VA 22728

John C. Morgan, Jr., Esquire
Attorney for Debtor
New Day Legal, PLLC.
98 Alexandria Pike, Ste. 10
Warrenton, VA 20186

____/s/ Thomas P. Gorman_____
Thomas P. Gorman

INTERIM STATEMENT AS OF 03/06/2020

CASE NO: 18-11211-BFK

STATUS: BASE PLAN

DEBTOR: XXX-XX-8938

JOINT DEBTOR: XXX-XX-2671

COLE, CLARENCE PAUL

COLE, SANDRA ANNETTE

AKA:

SCHEDULE: 916.00 MONTHLY

TOTAL PAID: 13,546.00

DATE FILED: 04/05/2018 10045 MEETZE RD.

10045 MEETZE RD.

CONFIRMED: 06/26/2018 MIDLAND, VA 22728

MIDLAND, VA 22728

LATEST 341: 05/01/2018

PERCENTAGE: 1.000

ATTORNEY: NEW DAY LEGAL, PLLC

NEW DAY LEGAL, PLLC

PLAN: 60 MONTHS

98 ALEXANDRIA PIKE, STE. 10

WARRENTON, VA 20186

1st PAYMENT DUE: 05/2018

Phone: 540 349-3232 Fax: 540 349-1278

ON SCHEDULE: 15,378.00

Needed to Complete Base:

ACTUAL PAYMENTS: 13,546.00

BASE: 50,186.00

AMOUNT BEHIND: 1,832.00

36,640.00

LAST 12 TRANSACTIONS

Date	Source	Amount
12/16/19	MO	916.00
11/15/19	MO	916.00
10/31/19	MO	916.00
09/09/19	MO	916.00
08/05/19	MO	916.00
07/08/19	MO	916.00
06/06/19	MO	575.00
05/06/19	MO	575.00
04/08/19	MO	575.00
03/18/19	MO	1,000.00
03/18/19	MO	725.00
03/04/19	MO	575.00
11/05/18	MO	575.00
10/09/18	MO	575.00

PLAN AND FILED CLAIMS

CLAIM NO	CRED NO	CREDITOR NAME CLAIM REMARK	DISB CODE LAST DISB	CLASS PAY%	INT. BEGIN INT. RATE	FIX PAY ARREARS	ORG. CLAIM SCHED AMT	APPROVED TO BE PAID	PRIN. PAID INT. PAID	PRIN. DUE INT. DUE
001	338377	SN SERVICING CORPORATON	FIX 12/2019	SEC 100.00		641.86 6,454.91	32,734.46 32,734.46	32,734.46 32,734.46	7,666.01 0.00	25,068.45 0.00
002	340615	FAST AUTO LOANS, INC U/S PORTION	PRO	UNS 1.00		0.00 0.00	41.24 0.00	41.24 0.41	0.00 0.00	0.41 0.00
002	340615	FAST AUTO LOANS, INC	FIX 05/2019	SEC 100.00	04/05/2018 5.2500	113.58 0.00	1,325.00 1,325.00	1,325.00 1,325.00	1,325.00 50.41	0.00 0.00
003	279239	TREASURER - FAUQUIER COUNTY	FIX 12/2019	SEC 100.00	04/05/2018 5.2500	25.21 50.42	3,674.83 1,150.00	1,150.00 1,150.00	412.07 92.13	737.93 9.69
003	279239	TREASURER - FAUQUIER COUNTY APP UNSECURED PORTION	PRO	UNS 1.00		0.00 0.00	0.00 2,524.83	2,524.83 25.25	0.00 0.00	25.25 0.00
004	348471	INDIAN ACRES CLUB CLAIM FILED FULLY UNSECURED	PRO	UNS 1.00		0.00 0.00	5,312.59 5,312.59	5,312.59 53.13	0.00 0.00	53.13 0.00
005	347102	SPOTSYLVANIA COUNTY	FIX 04/2019	SEC 100.00		25.00 0.00	205.30 188.48	205.30 205.30	205.30 0.00	0.00 0.00
006	304992	AMERICAN COLLECTION ENTERPRISE,	PRO	UNS 1.00		0.00 0.00	0.00 480.00	0.00 0.00	0.00 0.00	Not Filed
007	304992	AMERICAN COLLECTION ENTERPRISE,	PRO	UNS 1.00		0.00 0.00	0.00 224.00	0.00 0.00	0.00 0.00	Not Filed
008	304992	AMERICAN COLLECTION ENTERPRISE,	PRO	UNS 1.00		0.00 0.00	0.00 136.00	0.00 0.00	0.00 0.00	Not Filed
009	304992	AMERICAN COLLECTION ENTERPRISE,	PRO	UNS 1.00		0.00 0.00	0.00 74.00	0.00 0.00	0.00 0.00	Not Filed
010	304992	AMERICAN COLLECTION ENTERPRISE,	PRO	UNS 1.00		0.00 0.00	0.00 64.00	0.00 0.00	0.00 0.00	Not Filed
011	304992	AMERICAN COLLECTION ENTERPRISE,	PRO	UNS 1.00		0.00 0.00	0.00 61.00	0.00 0.00	0.00 0.00	Not Filed
012	304992	AMERICAN COLLECTION ENTERPRISE,	PRO	UNS 1.00		0.00 0.00	0.00 50.00	0.00 0.00	0.00 0.00	Not Filed
013	304992	AMERICAN COLLECTION ENTERPRISE,	PRO	UNS 1.00		0.00 0.00	0.00 50.00	0.00 0.00	0.00 0.00	Not Filed
014	340241	CITIBANK BANKRUPTCY DEPT THE HOME DEPOT	PRO	UNS 1.00		0.00 0.00	0.00 623.00	0.00 0.00	0.00 0.00	Not Filed
015	329720	CREDIT CONTROL CORP	PRO	UNS 1.00		0.00 0.00	0.00 1,433.00	0.00 0.00	0.00 0.00	Not Filed
016	329720	CREDIT CONTROL CORP	PRO	UNS 1.00		0.00 0.00	0.00 633.00	0.00 0.00	0.00 0.00	Not Filed
017	329720	CREDIT CONTROL CORP	PRO	UNS 1.00		0.00 0.00	0.00 422.00	0.00 0.00	0.00 0.00	Not Filed
018	333506	DRLEONARDS	PRO	UNS 1.00		0.00 0.00	0.00 64.00	0.00 0.00	0.00 0.00	Not Filed
019	348312	DR. ZAREEN BABAR	PRO	UNS 1.00		0.00 0.00	0.00 675.00	0.00 0.00	0.00 0.00	Not Filed
020	348313	JL WALSTON & ASSOCIATES	PRO	UNS 1.00		0.00 0.00	0.00 423.00	0.00 0.00	0.00 0.00	Not Filed
021	348313	JL WALSTON & ASSOCIATES	PRO	UNS 1.00		0.00 0.00	0.00 199.00	0.00 0.00	0.00 0.00	Not Filed

** Creditor has not filed a Proof of Claim. Accumulated funds will be released to other creditors if no claim is filed with the U.S. Bankruptcy Court by the date of the scheduled Chapter 13 Review Meeting.

Claims with an A code in the DISB/CODE column are placed on hold and need to be resolved. NO disbursements are being made to the creditor.

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Case Power® 12.1

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COLE, CLARENCE PAUL

COLE, SANDRA ANNETTE

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022	348313	JL WALSTON & ASSOCIATES	PRO	UNS 1.00		0.00 0.00	0.00 171.00	0.00 0.00	0.00 0.00	Not Filed
023	332103	CAPITAL ONE, NA	PRO	UNS 1.00		0.00 0.00	2,468.10 2,468.00	2,468.10 24.68	0.00 0.00	24.68 0.00
024	332103	CAPITAL ONE, NA	PRO	UNS 1.00		0.00 0.00	614.78 614.00	614.78 6.15	0.00 0.00	6.15 0.00
025	338827	MIDLAND FUNDING LLC SCH AMT UNKNOWN, FINGETHUT	PRO	UNS 1.00		0.00 0.00	696.29 0.00	696.29 6.96	0.00 0.00	6.96 0.00
026	338827	MIDLAND FUNDING LLC AMT UNKNOWN	PRO	UNS 1.00		0.00 0.00	0.00 0.00	0.00 0.00	0.00 0.00	Not Filed
027	PORT	PORTFOLIO RECOVERY ASSOCIATES PEEBLES	PRO	UNS 1.00		0.00 0.00	1,277.69 1,278.00	1,277.69 12.78	0.00 0.00	12.78 0.00
028	PORT	PORTFOLIO RECOVERY ASSOCIATES	PRO	UNS 1.00		0.00 0.00	679.45 679.00	679.45 6.79	0.00 0.00	6.79 0.00
029	PORT	PORTFOLIO RECOVERY ASSOCIATES AVOID IN 8A OF PLAN	PRO	SEC 100.00		0.00 0.00	1,409.76 1,854.00	1,409.76 1,409.76	0.00 0.00	1,409.76 0.00
030	309451	PRINCE WILLIAM CARDIOLOGY	PRO	UNS 1.00		0.00 0.00	0.00 384.00	0.00 0.00	0.00 0.00	Not Filed
031	348314	RETENTION ADVOCACY LEGAL GROUP	PRO	UNS 1.00		0.00 0.00	0.00 0.00	0.00 0.00	0.00 0.00	Not Filed
032	327063	SANTANDER CONSUMER	PRO	UNS 1.00		0.00 0.00	0.00 6,000.00	0.00 0.00	0.00 0.00	Not Filed
033	LVNV	LVNV FUNDING LLC. SPRINGLEAF FINANCIAL	PRO	UNS 1.00		0.00 0.00	5,427.17 3,686.00	5,427.17 54.27	0.00 0.00	54.27 0.00
034	348231	TARGET	PRO	UNS 1.00		0.00 0.00	0.00 1,034.00	0.00 0.00	0.00 0.00	Not Filed
035	274690	THE FAUQUIER BANK	PRO	UNS 1.00		0.00 0.00	0.00 900.00	0.00 0.00	0.00 0.00	Not Filed
036	348315	TRANSWORLD SYSTEMS INC.	PRO	UNS 1.00		0.00 0.00	0.00 119.00	0.00 0.00	0.00 0.00	Not Filed
037	305153	UNITED CONSUMERS, INC	PRO	UNS 1.00		0.00 0.00	0.00 271.00	0.00 0.00	0.00 0.00	Not Filed
038	269241	VALLEY CREDIT SVC	PRO	UNS 1.00		0.00 0.00	0.00 86.00	0.00 0.00	0.00 0.00	Not Filed
039	348316	RTO NATIONAL, LLC	FIX	SEC 100.00		16.17 80.85	97.02 97.02	97.02 97.02	0.00 0.00	97.02 0.00
040	348515	UVA MEDICAL CENTER UNLISTED - NO RESP - ALLOW & PAY	PRO	UNS 1.00		0.00 0.00	1,874.55 0.00	1,874.55 18.75	0.00 0.00	18.75 0.00
041	346466	UVA PHYSICIAN'S GROUP UL-BULLCITYFINANCIAL-NO RESP- ALLC	PRO	UNS 1.00		0.00 0.00	114.30 0.00	114.30 1.14	0.00 0.00	1.14 0.00
799	MORGAN	NEW DAY LEGAL, PLLC	PRO	ATY 10/2018		0.00 0.00	5,223.00 5,223.00	3,000.00 3,000.00	3,000.00 0.00	0.00 0.00
Trustee Administrative Fees								771.48	771.48	
TOTALS:						821.82 6,586.18	63,175.53 73,710.38	61,724.01 40,903.33	13,379.86 142.54	27,523.47 9.69

	ADMIN	ATTORNEY	PRIORITY	SECURED	UNSECURED	OTHER		
SCHED AMOUNT:	0.00	5,223.00	0.00	37,348.96	31,138.42	0.00		
CLAIM AMOUNT:	0.00	3,000.00	0.00	36,921.54	210.31	0.00		
PAID BY TRUSTEE:	0.00	3,000.00	0.00	9,608.38	0.00	0.00		
PAID BY 3rd PARTY:	0.00	0.00	0.00	0.00	0.00	0.00		
SUB TOTAL:	0.00	0.00	0.00	27,313.16	210.31	0.00	DUE CREDITORS:	27,533.16
INTEREST DUE:	0.00	0.00	0.00	9.69	0.00	0.00	EXPECTED ADMIN:	1,818.33
CONTINUING:	0.00	0.00	0.00	0.00	0.00	0.00	LESS AVAILABLE:	23.60
BALANCE DUE:	0.00	0.00	0.00	27,322.85	210.31	0.00	APPROX BALANCE:	29,327.89

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